

City of Rockville Department of Community Planning and Development Services
Annexation Plan
May 4, 2011

Subject: Annexation ANX2011-00140

Property Owner: BP Associates Limited Partnership
c/o Robert Eisinger
Promark Real Estate Service, LLC
16220 South Fredrick Avenue, Suite 325
Gaithersburg, MD 20877

Location of Property: East of the intersection of Southlawn Lane and East Gude Drive, 1300-1314 East Gude Drive and 14803, 14805, and 14809 Southlawn Lane, part of Lot 12, Block B – Burgundy Park; known as Burgundy Park Center.

Pursuant to Article 23A, Section 19(o) of the Annotated Code of Maryland, the Annexation Plan shall include a description of the land use pattern proposed for the area to be annexed; demonstrate the available land for public facilities; describe the schedule and anticipated means of financing the extension of services. Herewith is a proposed outline for extension of services and public facilities into the areas proposed to be annexed.

The area proposed for annexation is within the City's Maximum Expansion Limits, as established in the Municipal Growth Element, adopted in December 2010, of the City's Master Plan.

Land Use Patterns of Areas Proposed to be Annexed

The area of annexation is approximately 3.12 acres, which is a portion of Lot 12, Block B of the Burgundy Park subdivision.

The project site is a developed site that is split between the City of Rockville and Montgomery County. Each jurisdiction has established a zoning classification for their respective portions of the site. The zoning is I-2 (Heavy Industrial) within the County, and I-L (Light Industrial) within the City. Neither of these zoning districts is consistent with the current use of the property, which includes office, retail and restaurant uses.

The property is governed by the County's Upper Rock Creek Master Plan, and is located within the Southlawn/Redgate Planning Area (16) of the City's Comprehensive Master Plan. The recommended land use designation in both documents is Service Industrial. As referenced above, the implementing zoning districts for these use designations applied to the property is I-2 (Heavy Industrial) within the County and I-L (Light Industrial) within the City. However, given the unique nature of the property, there are other adopted studies intended to govern the future use of the site.

Ordinance No. 36-83

In 1983 the Mayor and Council of Rockville adopted Ordinance 36-83 (see Attachment 3), which allowed specific uses to be implemented in conjunction with the development of a 12,512 square foot addition on the site. This application was authorized by a provision within the Zoning Ordinance which allowed improved properties "within and without the corporate limits of the City" to implement certain uses which were allowed at the time of the initial improvements in the County to also be allowed in the portion of the property in the City. Under this provision, the applicant sought permission to allow retail, restaurants, offices and banks with drive-through facilities. These uses were approved for the portion of the property in the City with the adoption of the above-referenced ordinance on October 24, 1983.

Prior to this action, in correspondence dated April 8, 1983 (see Attachment 4), Montgomery County agreed with the proposed uses for the property. In summary, the County stated that the area of the property "in the County is not regulated by the current provisions of the County's I-2 zone....", which did not permit retail, restaurant and office use, but is grandfathered and subject to the I-2 regulations as they existed in 1971. Further the letter states that:

"The cited zoning provisions, which are grandfathered allow commercial uses that are not permitted under the I-2 Zone's current provisions. Since the older zoning provisions are also grandfathered, the Burgundy Park Center, as situated in the County can accommodate commercial uses which would not be permitted under the current zoning ordinance."

Both of these documents support the future use of the property for uses other than light and/or heavy industrial use. Staff feels that the requested

MXE zoning district is consistent with the allowed uses identified in the above-referenced documents. The MXE district allows for the underlying light industrial use without precluding the use of the property for office and retail. The Zoning Ordinance provides the following description of the MXE district:

“Intended for areas that are either currently developed or are recommended for development primarily for office, light industrial, and industrial park uses, this zone allows for medium density development of office, retail, and residential uses. A mix of office and residential uses, including live/work and work/live units, is encouraged.”

1999 Gude Drive – Southlawn Lane Special Study

In 1999 the Montgomery County Planning Board approved a special study of the Gude Drive – Southlawn Lane area. The purpose of the study was the establishment of a policy regarding annexations in the study area for properties zoned for heavy industrial use. The study concluded that it was important to maintain as much of the current I-2 zoned land as possible, which is generally along Southlawn Lane north of East Gude Drive. However for the subject property the study concludes that:

“The existing retail center in the southeast quadrant of the intersection of Gude Drive and Southlawn Lane is suitable for light industrial or other service industrial activities.”

The study acknowledges that the City’s service industrial zoning (which was the I-1 Zone at that time) allowed for certain retail functions, while prohibiting heavy industrial uses allowed in the County’s I-2 zone. Based on the study’s concurrence that service industrial use is appropriate for this property, and the fact that the MXE Zone permits service and light industrial uses but not heavy industrial uses, staff is supportive of the requested zoning. The proposed MXE zoning is appropriate for allowing the continuation of the existing uses of the center as permitted uses, as well as providing for the future development of light and service industrial activities in combination.

Adequacy of Public Facilities

Water and Sewer

The Washington Suburban Sanitary Commission (WSSC) currently provides water and sewer services to the properties within the annexation area. Service will continue to be provided by WSSC.

Roads:

The existing public roads are adequate to serve the properties within the annexation area. The site is currently improved and occupied by 5 buildings. No additional development is proposed for the site at this time.

Police Services:

Police protection will primarily be provided by the Rockville Police Department in conjunction with the Montgomery County Police Department. County Police District 1 serves Rockville, though the resources of the entire County Department are available if needed.

Fire, EMS and Rescue Services:

No significant impacts on emergency services are anticipated as result of this annexation since there are no proposed changes to existing uses. The Montgomery County Fire and Emergency Services (MCFRS) provides fire and disaster protection. Rockville does not provide this service as part of municipal government. There are two fire stations in Rockville, and Station 3 serves this area, although other stations are available to supplement service (such as Stations 28 and 25).

School Services:

No impacts on Montgomery County public schools system are anticipated as a result of this annexation since there are no existing residential units and no proposed change to existing uses. The buildings that currently occupy the property are commercial and industrial.

Parks and Recreational/Public Libraries:

Similarly, parks and recreation facility expansion are not proposed for this annexation since no additional impact is anticipated as a result. With no additional residential units proposed, there are no impacts to the Montgomery County Public Library system.

Stormwater Management:

If annexed, all properties must pay an annual Stormwater Management Utility Fee in accordance with Section 19-36 of the Rockville City Code. The City Stormwater Management Utility Fee will replace the Water Quality Protection Charge, an annual fee assessed by the Montgomery County Department of Environmental Protection. City of Rockville properties are exempted from the Montgomery County Water Quality Protection Charge.

Impact on Sensitive Environmental Areas:

Since there is no development planned on the site, there are no impacts to the environmental resources on or immediately adjacent to the site.

Cost to the City on having to provide such services:

The City will not incur any significant increases in operational costs as result of the annexation.